

# **CHAPTER 1**

## **GOVERNANCE**

The purpose of this chapter is to deal briefly with the major duties of those people who are ordinarily considered to be local "school officials" in the sense that they are concerned with the administration and business management of the school district. These include the school board members, the president of the board of directors, the district secretary, the district treasurer, and the superintendent. Specific duties in key areas are included in later chapters of this manual.

### **The School Board**

Historically, local school boards evolved from school committees set up by the New England town meetings after school problems became too complex to be handled by the town meeting itself. Since that time state constitutions, legislative acts and court decisions have consistently defined education as a state function; this represents the recognition of the principle that the education of all children is in the best interest of all the people of the state.

Thus, the school board has both local and state functions. The members are elected by the citizens of the local district. The board which they comprise has extensive local authority subject to certain broad state educational policies established by the legislature and the state department of education in the common interest of all the people of the state.

The department of education is established to act in a policymaking and advisory capacity and to exercise general supervision over the state system of education including all of the following:

- a. Public elementary and secondary schools.
- b. Community colleges.
- c. Area education agencies.
- d. Vocational rehabilitation.
- e. Educational supervision over the elementary and secondary schools under the control of an administrator of a division of the department of human services.
- f. Nonpublic schools to the extent necessary for compliance with Iowa school laws (256.1(1)).

The affairs of each school corporation shall be conducted by a board of directors (274.7).

Iowa school districts and area education agencies operate under Dillon's Rule which states that school corporations possess and can exercise the following powers and no others: Those granted in express words, those necessarily implied or necessarily incident to the powers expressly granted, and those absolutely essential to the declared objects and purposes of the school corporation--not simply convenient or desired, but indispensable (*Merriam v. Moody's Executors*, 25 Iowa 163, 170 (1868)). School districts cannot do by indirect means anything they do not have direct authority to do, and laws granting powers to school districts shall be construed narrowly to limit district authority to the precise language of the authorizing statute (*Bishop v. Iowa State Board of Pub. Instr.*, 395 NW2d Iowa 838, 891 (1986)). The mere absence of a prohibition against an action or activity in Code does not give a school district or area education agency authority to initiate that action or activity. Interpretation of school law may only be done by the Iowa Attorney General's Office and the Iowa Department of Education (256.9(16)). These Opinions or Rules, once given, have the effect of law on school corporations. When the word "shall" is used, it generally conveys an imperative or mandatory obligation. The word "may" generally conveys permission or discretion, but could convey an obligation depending on the context in which the word appears. The words "will" and "must" convey a directive and generally are considered synonymous to the word "shall."

Each school district shall continue a body politic as a school corporation, unless changed as provided by law, and as such may sue and be sued, hold property, and exercise all the powers granted by law, and shall have exclusive jurisdiction in all school matters over the territory therein contained (274.1).

The board shall make rules for its own government and that of the directors, officers, employees, teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by law and the rules (279.8).

The board shall carry into effect any instruction from the regular election upon matters within the control of the voters, and shall elect all teachers and make all contracts necessary or proper for exercising the powers granted and performing the duties required by law (279.12).

The board shall establish and maintain adequate administration, school staffing, personnel assignment policies, teacher qualifications, certification requirements, facilities, equipment, grounds, graduation requirements, instructional requirements, instructional materials, maintenance procedures and policies on extracurricular activities. In addition the board shall provide such principals as it finds necessary to provide effective supervision and administration for each school and its faculty and student body (280.14).

The general rule of law as set forth by the Iowa Supreme Court is that, absent an express statutory provision to the contrary, a local governmental body may not bind its successors in matters that are essentially legislative or governmental, as opposed to business or proprietary, in nature (OAG #83-6-4(L)).

The other duties and possible functions of an Iowa school board are far too extensive and varied to be enumerated here. The most important concept of a good school board is that it is a policy-making body and that a member has no authority except as a part of that body. The law gives broad authority to the board as a whole, but an individual member, outside of an official meeting, has no legal power to act nor exemption from prosecution.

### **Elector Powers**

The electors also have certain powers and can override certain board decisions. The voters of a district at a regular election may forbid the use of schoolhouses or grounds for other than school purposes. The board shall not thereafter permit such use until the said action of such voters has been rescinded by the voters at a regular election, or at a special election called for that purpose (297.11, 278.1(4)). In addition, the voters at the regular election shall have the power to direct a change of textbooks; direct the sale, lease, or other disposition of any school property; determine additional branches to be taught; direct the transfer of any surplus in the debt service fund, physical plant and equipment levy (PPEL) fund, capital projects funds, or public education and recreation levy (PERL) fund to the general fund; authorize the board to obtain roads for proper access to its schoolhouses; authorize a change to either five or seven directors; authorize a change in the method of conducting elections or in the number of directors as provided in sections 275.35 and 275.36; or change the name of the school district (278.1). Fifty or more eligible electors may also petition for a complete or partial readjustment (11.6(4)(c)). Upon the written request of one hundred eligible electors or a number of electors which equals thirty percent of the number of elector who voted in the last regular school board election, whichever number is greater, the board shall direct the county commissioner of elections to provide in the notice of the regular election for submission of any proposition authorized by law to the voters (278.2).

Nothing in 278.1(2) shall be construed to prevent the sale, lease, exchange, gift or grant and acceptance of any interest in real or other property by the board of directors without an election to the extent authorized in section 297.22 (278.1(2)). The powers vested in the electors by section 278.1 shall not affect or limit the power granted to the board of directors of a school district in subsection 297.7(2), and the authority granted in said subsection shall be construed as independent of the power vested in the electors by section 278.1 (278.3).

Whenever a petition signed by eligible electors residing in the school district equal in number to at least ten percent of the registered voters in the school district, to be determined by the school board of any school district, shall be filed with the secretary thirty days or more before the regular election, asking that the question of providing free textbooks for the use of pupils in the public schools thereof be submitted to the voters at the next regular election, the secretary shall cause notice of such proposition to be given in the notice of such election (301.24). If, at such election, a majority of the legal voters present and voting by ballot thereon shall authorize the board of directors of said school district to loan textbooks to the pupils free of charge, then the board shall procure such books as shall be needed, in the manner provided by law for the purchase of textbooks, and loan them to the pupils (301.25). The electors may, at any election called as provided in section 301.24, direct the board to discontinue the loaning of textbooks to pupils (301.27).

If the board does not provide for an election and adopts a resolution to participate in the instructional support program, the district shall participate in the instructional support program unless within twenty-eight days following the action of the board, the secretary of the board receives a petition containing the required number of signatures, asking that an election be called to approve or disapprove the action of the board in adopting the instructional support program. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding regular school election, whichever is greater. The board shall either rescind its action or direct the county commission of elections to submit the question to the registered voters of the school district at the next following regular school election or a special election. If a majority of those voting on the question at the election favors disapproval of the action of the board, the district shall not participate in the instructional support program. If a majority of those voting on the question favors approval of the action, the board shall certify the results of the election to the department of management and the district shall participate in the program (257.18(2)).

No action shall be brought questioning the legality of the organization, reorganization, enlargement, or change in the boundaries of any school corporation in this state unless brought within six months after the date of the filing of said

written description in the office of said county auditor or county auditors. When the said period of limitations shall have passed, it shall be conclusively presumed that all acts and proceedings taken with reference to the said organization, reorganization, enlargement or change in boundaries were legally taken for every purpose whatsoever and that a de jure school corporation exists (274.5).

## **Number of Directors**

By Iowa statute the number of directors in school districts shall be as follows:

1. Seven directors
  - (a) in any school district including all or part of a city of 15,000 or more population (277.23).
  - (b) in any school district in which the voters have authorized seven directors at any regular or special election (275.35, 277.23).
2. Five directors
  - (a) in all other school districts (277.23).

A majority of the board of directors of any school corporation shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time (279.4).

## **Term of Office**

The affairs of each school corporation shall be conducted by a board of directors, the members of which in all community or independent school districts shall be chosen for a term of three years except as otherwise provided by law (274.7, 39.24).

The board shall appoint a temporary president or secretary, in the absence of the regular officers (279.5).

Board members are typically elected "at large" in Iowa school districts. A provision in the law allows some choice in newly-formed school districts as to election "at large," or by one of the methods involving "director districts," or by a combination of the two methods. Further provisions allow any existing school district or any school district hereafter created or enlarged to change its method of election and change the number of directors to five or to seven by petition and vote of the electors (275.35, 277.23, 278.1(7), 275.12).

Following each federal decennial census the school board shall determine whether the existing director district boundaries meet the standards in subsection 275.23A(1) according to the most recent federal decennial census. If necessary, the board of directors shall redraw the director district boundaries (275.23A(2)).

At the first election in newly organized districts the directors shall be elected as follows:

- (a) In districts having three directors, one director shall be elected for one year, one for two years, and one for three years.
- (b) In districts having five directors, two shall be elected for one year, two for two years, and one for three years.
- (c) In districts having seven directors, two shall be elected for one year, two for two years, and three for three years (277.25).

School board members for a newly-organized school district appointed to the new board pursuant to Iowa Code section 275.41 who are subsequently defeated for reelection to the board of the old districts remain members of the board of directors of the newly-organized district (OAG #93-4-5(L)).

Except when otherwise provided, every officer elected or appointed for a fixed term shall hold office until a successor is elected and qualified unless the officer resigns, or is removed or suspended, as provided by law (69.1A). A member of the board shall, at the time of election or appointment, be an eligible elector of the corporation or subdistrict (277.27). Each director elected at a regular district or director district election shall qualify by taking the oath of office on or before the time set for the organization meeting of the board and the election and qualification entered of record by the secretary. If the oath of office is taken elsewhere than in the presence of the board in session it may be administered by any officer listed in sections 63A.1 and 63A.2 (277.28).

Board members may take the oath of office orally from some person authorized to give the oath. It is not necessary to sign or subscribe to a written oath (OAG #32-4-28).

The oath may not be taken before a foreign notary (OAG #66-3-31).

The board of directors of each school corporation shall meet and organize at the first regular meeting after the canvass for the regular school election at some suitable place to be designated by the secretary (279.1).

Such organization shall be effected by the election of a president from the members of the board, who shall be entitled to vote as a member (279.1).

## **Vacancies**

Any of the following shall constitute a vacancy:

- (a) Failure to elect at the proper election or to appoint within the time fixed by law.
- (b) Failure of the officer elected or appointed to qualify within the time prescribed by law.
- (c) The incumbent ceasing for any reason to be a resident of the district or removing residence from the subdistrict.
- (d) Resignation or death of the incumbent or of the officer-elect.
- (e) Removal of incumbent from, or forfeiture of, the office.
- (f) Decision of a competent tribunal declaring the office vacant.
- (g) Conviction of incumbent of a felony or of any public offense involving the violation of the incumbent's oath of office (277.29).

Each school officer or member of the board upon the termination of the officer or member's term of office shall immediately surrender to the successor all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor (277.31).

Vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified. (279.6, 69.1A). However, if a member of a school board resigns from the board prior to the time for filing nomination papers for office as a school board member, as provided in section 277.4, and specifies in the resignation that the resignation will be effective on the date the next term of office for elective school officials begins, the president of the board shall declare the office vacant as of that date and nomination papers shall be received for the unexpired term of the resigning member. The person elected at the next regular school election to fill the vacancy shall take office at the same time and place as the other elected school board members. (279.6) If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within thirty days after the vacancy occurs, or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the AEA administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. If the secretary fails for more than three days to call an election, the administrator shall call it. Any appointment of the board to fill any vacancy in an elective office on or after the day notice has been given for a special election to fill such vacancy as provided herein shall be null and void. In any case of a special election as provided herein to fill a vacancy occurring among the elective officers or members of a school board before the expiration of a full term, the person so elected shall qualify within ten days thereafter in the manner required by section 277.28 and shall hold the office for the residue of the unexpired term and until a successor is elected, or appointed, and qualified. Nomination petitions shall be filed in the manner provided in section 277.4, except that the petitions shall be filed not less than twenty-five days before the date set for the election (279.7). When vacancies are to be filled by election, the provisions of section 69.12 shall control (277.30).

A board member may remain on the board if the member changes residence from one county to another providing the member remains in the same school district and was elected "at large" by the entire district (OAG #58-5-1(L)).

A vacancy is created when a board member moves from one director district to another director district in the same corporation (OAG #69-4-6(L)).

A director who moves from the district and later returns is not entitled to finish the term (1912 Op. Att'y Gen. 739 (#12-7-13)).

## **Compensation**

Notwithstanding any contrary provision of the Code, a member of the board of directors of a school district shall not receive compensation directly from the school board unless the compensation is for part-time or temporary employment and does not exceed the limitation set forth in section 279.7A (277.27).

No member of the board shall receive compensation for official services (279.32).

All contracts for transportation service and for drivers of school-owned and operated buses shall be made with someone outside the board except where no other transportation service is available, a board member may transport the member's own children (285.5(7)).

It shall be unlawful for any school director, officer, area education director or teacher to act as agent for any school textbooks or school supplies during such term of office or employment, and any school director, officer, area education director or teacher who shall act as agent or dealer in school textbooks or school supplies, during the term of such office or employment, shall be deemed guilty of a serious misdemeanor (301.28).

Actual and necessary expenses, including travel, incurred by the board or individual members thereof in the performance of official duties may be paid or reimbursed (279.32).

School board members may be reimbursed for actual and necessary expenses including expenses incurred in attending national school board conventions in distant states (OAG #77-12-5).

A member of the board of directors of a school corporation shall not have an interest, direct or indirect, in a contract for the purchase of goods, including materials and profits, and the performance of services for the director's school corporation. A contract entered into in violation of this section is void. This section does not apply to contracts for the purchase of goods or services, which benefit a director, or to compensation for part-time or temporary employment which benefits a director, if the benefit to the director does not exceed two thousand five hundred dollars (\$2500) in a fiscal year, and contracts made by a school board, upon competitive bid in writing, publicly invited and opened (279.7A).

Contracts in which a board member has any interest are void as contrary to public policy (Kagy v. Independent School District, 117-694; Town of Hartley v. Floete Lumber Company, 185-861).

An official shall not sell, in any one occurrence, any goods or services having a value in excess of two thousand dollars (\$2000) to any state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding (68B.3).

The board shall fix the compensation to be paid the secretary. The board may pay the treasurer a reasonable compensation (279.32).

### **Legal Advice**

The county attorney shall give advice or a written opinion, without compensation, to the board and other county officer and to school and township officer, when requested by an officer, upon any matters in which the state, county, school, or township is interested, or relating to the duty of the officer in any matters in which the state, county, school, or township may have an interest, but the county attorney shall not appear before the board at a hearing in which the state or county is not interested (331.756(7)).

The county attorney shall cooperate with the auditor of state to secure correction of a financial irregularity (331.756(11)).

It shall be the duty of the department of education to interpret the school laws and rules relating to the school laws (256.9(16)).

It shall be the duty of the attorney general to give an opinion in writing, when requested, upon all questions of law submitted by the general assembly or by either house thereof, or by any state officer, elective or appointive. Questions submitted by state officers must be of a public nature and relate to the duties of such officer (13.2(5)).

A school corporation may employ an attorney to represent the school corporation as necessary for the proper conduct of the legal affairs of the school corporation (279.37).

Attorneys to defend individual directors for acts in their official capacity may be paid from district funds (1936 Op. Att'y Gen. 273; 1940 Op. Att'y Gen. 26 (#39-1-18)).

### **Authority of Law, Rules, Opinions and Departmental Regulations**

Iowa LEAs operate under Dillon's Rule, by state constitution, which states that LEAs possess and can exercise the following powers and no others: Those granted in express words, those necessarily implied or necessarily incident to the powers expressly granted, and those absolutely essential to the declared objects and purposes of the school

corporation--not simply convenient or desired, but indispensable. Interpretation of school law may be done by the Iowa Attorney General's Office and the Iowa Department of Education. These Opinions and Rules, once given, have the effect of law on LEAs.

It is well established that where the language of a statute is plain and unambiguous and its meaning clear and unmistakable, there is no room for construction, and we may not search for its meaning beyond the statute itself (OAG #84-5-1(L)).

An administrative rule, violation of which is a crime, may incorporate federal standards by reference, provided these standards are explicit and readily ascertainable (OAG #87-10-2(L)).

An attorney general's opinion establishes the substantive interpretation of a Code section until it is overruled, revised, withdrawn upon consideration or upset by court decision (OAG #87-1-5).

A footnote in OAG #92-11-3 indicates that an opinion based on a Code section which is repealed but replaced with a section having much the same language would continue to apply.

## **Joint Exercise of Power**

The purpose of Iowa Code chapter 28E [joint exercise of governmental powers] is to permit state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to co-operate in other ways of mutual advantage (28E.1).

Public agency shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state (28E.2).

Private agency shall mean an individual and any form of business organization authorized under the laws of this or any other state (28E.2).

Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having such power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by chapter 28E upon a public agency (28E.3).

Any public agency of this state may enter into an agreement with one or more public or private agencies for joint or cooperative action pursuant to the provisions of chapter 28E including the creation of a separate entity to carry out the purpose of the agreement (28E.4).

Any contract or agreement authorized by chapter 28E shall not be limited as to period of existence, except as may be limited by the agreement or contract itself (28E.14).

Any such agreements under chapter 28E shall specify the following:

1. Its duration.
2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.
3. Its purpose or purposes.
4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.
5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
6. Any other necessary and proper matters (28E.5).

No agreement made pursuant to chapter 28E shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility (28E.7).

The school budget review committee may recommend that two or more school districts jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment, and facilities as specified in section 280.15 (257.31(13)).

### **Whole Grade Sharing**

Whole grade sharing is a procedure used by school districts whereby all or a substantial portion of the pupils in any grade in two or more school districts share an educational program for all or a substantial portion of a school day under a written agreement pursuant to section 256.13, 280.15, or 282.7, subsection 1 or subsections 1 and 3. Whole grade sharing may either be one-way or two-way sharing. A whole grade sharing agreement shall be signed by the boards of the districts involved in the agreement not later than February 1 of the school year preceding the school year for which the agreement is to take effect (282.10).

When a board closes its elementary school facilities for lack of pupils or by action of the board, it shall, if there is a school bus service available in the area, designate for attendance the school operating the buses, provided the board of such school is willing to receive them and the facilities and curricular offerings are adequate. The board of the district where the pupils reside may with the approval of the area education agency board, subject to legal limitations and established uniform standards, designate another rural school and provide their own transportation if the transportation costs will be less than to use the established bus service (285.4).

The board of directors of a school district by record action may discontinue any or all of grades seven through twelve and negotiate an agreement for attendance of the pupils enrolled in those grades in the schools of one or more contiguous school districts having accredited school systems. If the board designates more than one contiguous district for attendance of its pupils, the board shall draw boundary lines within the school district for determining the school districts of attendance of the pupils. The portion of a district so designated shall be contiguous to the accredited school district designated for attendance. Only entire grades may be discontinued under this subsection and if a grade is discontinued, all higher grades in that district shall also be discontinued (282.7(1)).

### **Interstate Sharing**

If an agreement entered into pursuant to chapter 28E is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States said agreement shall have the status of an interstate compact. Such agreements shall, before entry into force, be approved by the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state (28E.9).

An Iowa school corporation may, through its board of directors, enter into an interstate grade-sharing agreement which provides for joint exercise of control over some affairs of the Iowa district. The Iowa district may not, however, delegate obligations statutorily imposed upon its governing board. Guidelines for the composition of such joint board and selection of its members should be included within the agreement of the parties (OAG #90-3-6).

The board of directors of school districts located near the state boundaries may designate schools of equivalent standing across the state line for attendance of both elementary and high school pupils when the public school in the adjoining state is nearer than any appropriate public school in a pupil's district of residence or in Iowa. Distance shall be measured by the nearest traveled public road (282.8).

Notwithstanding sections 28E.9 and 282.8, a school district may negotiate an agreement under subsection 282.7(1) for attendance of its pupils in a school district located in a contiguous state subject to a reciprocal agreement by the two state boards in the manner provided in this subsection. Prior to negotiating an agreement with the school district in the contiguous state, the board of directors shall file a written request with the state board of education for a determination whether the school district in the contiguous state meets requirements substantially similar to those required for accredited or approved school districts in this state and the school district receives or has available services equivalent to those that would be provided in this state by an area education agency. Such an agreement is not eligible for supplementary weighting under section 257.11 (282.7(3)).

### **Accredited Nonpublic School Sharing**

Students enrolled in private schools may enroll in public schools for specified courses when the courses in which they seek enrollment are not available to them in their private schools, provided the students have satisfactorily completed prerequisite courses, if any, or have otherwise shown equivalent competence through testing (256.12(1)).

School districts and area education agency boards shall make public school services, which shall include special education programs and services and may include health services, services for remedial education programs, guidance services, and school testing services, available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students. However, services that are made available shall be provided on neutral sites, or in mobile units located off the nonpublic school premises as determined by the boards of

the school districts and area education agencies providing the services, and not on nonpublic school property, except for health services, services funded by Title I of the federal Elementary and Secondary Education Act of 1965, diagnostic services for speech, hearing, and psychological purposes, and assistance with physical and communication needs of students with physical disabilities, and services of an educational interpreter, which may be provided on nonpublic school premises, with the permission of the lawful custodian (256.12(2)).

Any summer school program, for which the teacher's salary is paid or supplemented under a Phase III supplemental pay plan, shall be open to nonpublic school students in the manner provided in section 256.12 (294A.14(2)).

### **Sharing Personnel and Services**

The boards of directors of two or more school districts may by agreement provide for attendance of pupils residing in one district in the schools of another district for the purpose of taking courses not offered in the district of their residence. The boards may also provide by agreement that the districts will combine their enrollments for one or more grades. Courses and grades made available to students in this manner shall be considered as complying with any standards or laws requiring the offering of such courses and grades. The boards of directors of districts entering into such agreements may provide for sharing the costs and expenses of the courses. If the agreement provides for whole grade sharing, the costs and expenses shall be paid as provided in sections 282.10 through 282.12 (256.13).

Two or more public school districts may jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment and facilities. Classes made available to students in the manner provided in this section shall be considered as complying with the requirements of section 275.1 relation to the maintenance of kindergarten and twelve grades by a school district. If students attend classes in another school district under this section under an agreement that provides for whole grade sharing, the boards of directors of districts entering into these agreements shall provide for sharing the costs and expenses as provided in sections 282.10 through 282.12. (280.15(1)).

The school board of any school district may employ public health nurses at periods each year and in numbers as deemed advisable. The council of any city, or the school board of any school district, or any of them acting in cooperation, may contract with any nonprofit nurses' association for public health nursing service. The compensation and expenses shall be paid out of the general fund of the political subdivision employing nurses (143.1).

The board of directors of a school district may employ a superintendent of schools for a term of not to exceed three years. Boards of directors may jointly exercise the powers conferred by this section (279.20).

The board of directors of any school district in Iowa may enter into contract with the state board of regents for furnishing instruction to pupils of that school district (262.30). The contract shall be in writing and a copy shall be filed in the office of the administrator of the AEA (262.32).

If a school district does not provide an interscholastic activity for its students, the board of directors of that school district may complete an agreement with another school district to provide for the eligibility of its students in interscholastic activities provided by that other school district. It is not necessary that school districts that are parties to an agreement under this section must be engaged in sharing academic programming and receiving supplementary weighting under section 257.11 (280.13A).

### **Providing Joint Services and Facilities**

Pending audit and allowance of claims under section 279.29, the board shall invest moneys of the corporation to the extent practicable, and the board may provide for the joint investment of moneys with one or more school corporations pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law (279.29).

A county, city, fire district, or school district, which has areas within its boundaries which overlap areas within the boundaries of another county, city, fire district, or school district, or whose boundaries are contiguous with another county, city, fire district, or school district, may execute an agreement pursuant to this section for the joint construction or acquisition, furnishing, operation, and maintenance of a public building or buildings for their common use. Such an agreement regarding a joint public building may allow for, but is not limited to, any of the following:

- a. Acquisition of a construction site and construction of a public building for common use.
- b. Purchase of an existing building for joint public use, or conversion of a building previously owned and maintained by a county, city, fire district, or school district for joint public use.
- c. Equipping or furnishing a new or existing building for joint public use.
- d. Operation, maintenance, or improvement of a joint public building.



- e. Any other aspect of joint public building construction, acquisition, furnishing, operation, or maintenance mutually agreed upon by the county, city, fire district, or school district and not otherwise prohibited by law (28E.41(1)).

It is the intent of the general assembly to encourage school districts to jointly issue general obligation bonds to fund separate project proposed in each district and, by pooling their debt obligations, to realize a savings for taxpayers in each of the participating districts. Two or more school districts may enter an agreement pursuant to chapter 28E for the purpose of financing projects for which debt obligations may be or have been incurred pursuant to chapter 296 or 298 (28E.42(1)).

A school district in which a local option sales tax for school infrastructure purposes has been imposed shall be authorized to enter into a chapter 28E agreement with one or more cities or a county whose boundaries encompass all or a part of the area of the school district. A city or cities entering into a chapter 28E agreement shall be authorized to expend its designated portion of the local option sales and services tax revenues for any valid purpose permitted in chapter 422E or authorized by the governing body of the city. A county entering into a chapter 28E agreement with a school district in which a local option sales tax for school infrastructure purposes has been imposed shall be authorized to expend its designated portion of the local option sales and services tax revenues to provide property tax relief within the boundaries of the school district located in the county. A school district where a local option sales and services tax is imposed is also authorized to enter into a chapter 28E agreement with another school district which is located partially or entirely in or is contiguous to the county where the tax is imposed. The school district shall only expend its designated portion of the local option sales and services tax for infrastructure purposes (422E.4).

The board of directors of a local school district may approve cooperation and pooling of funds with other school districts to operate a community education program authorized under chapter 276 (276.10(7)).

Public funds may not be spent to support voluntary programs provided by nonprofit private agencies. However, the services provided by such agencies may be obtained under Chapter 28E agreements where joint exercise of governmental power is warranted (OAG #76-9-2).

A school district may not assume the sole responsibility for maintenance of a playground constructed by a city for public use (OAG #65-5-3).

### **Revenue Sharing**

Although a school district cannot be a direct recipient of a local option sales and services tax under Iowa Code 422B, it could be a secondary recipient. A secondary recipient as defined in section 422B.12(1)(c) is a political subdivision of the state which is to receive revenues from a local option sales and services tax over a period of years pursuant to the terms of a chapter 28E agreement with one or more cities or counties. Therefore, if there is a chapter 28E contract between the school district and a city or county under which the school district is entitled to receive revenues from a local option sales and services tax, the school district would be a secondary recipient for purposes of that section. A school district could use its share of the local option tax proceeds for any lawful purpose which is consistent with both the chapter 28E agreement and with the uses of the local option tax approved by the voters, including retiring school bonds (OAG #97-9-2(L)).

A school district in which a local option sales tax for school infrastructure purposes has been imposed under chapter 422E shall be authorized to enter into a chapter 28E agreement with one or more cities or a county whose boundaries encompass all or a part of the area of the school district. A city or cities entering into a chapter 28E agreement shall be authorized to expend its designated portion of the local option sales and services tax revenues for any valid purpose permitted in chapter 422E or authorized by the governing body of the city. A county entering into a chapter 28E agreement with a school district in which a local option sales tax for school infrastructure purposes has been imposed shall be authorized to expend its designated portion of the local options sales and services tax revenues to provide property tax relief within the boundaries of the school district located in the county. A school district where a local option sales and services tax is imposed is also authorized to enter into a chapter 28E agreement with another school district which is located partially or entirely in or is contiguous to the county where the tax is imposed. The school district shall only expend its designated portion of the local option sales and services tax for infrastructure purposes (422E.4).

### **Interchange of Federal, State and Local Government Employees**

Any department, agency, or instrumentality of the state, county, city, municipality, land-grant college, or college or university operated by the state or any local government is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the federal government, another state or locality, or other

agencies, municipalities, or instrumentalities of this state as a sending or receiving agency. The period of individual assignment or detail under an interchange program shall not exceed twenty-four months, except that an employee may be assigned for an additional twenty-four month period upon the agreement of the employee and both the sending and receiving agencies. No employee shall be assigned or detailed without the employee's expressed consent or by using undue coercion to obtain said consent (28D.3).

If funds are appropriated by the general assembly, an Iowa teacher exchange program is established to permit school districts to exchange licensed instructional personnel with other districts in order to promote the exchange and enhancement of instructional methods and materials and encourage the educational development of Iowa's teachers (279.55).

## **Powers and Responsibilities**

### **Policy Making**

#### **State Policy on Education Effectiveness**

It is the policy of the state of Iowa to provide an education system that prepares the children of this state to meet and exceed the technological, informational, and communications demands of our society. The general assembly finds that the current education system must be transformed to deliver the enriched educational program that the adults of the future will need to have to compete in tomorrow's world. The general assembly further finds that the education system must strive to reach the following goals:

1. All children in Iowa must start school ready to learn.
2. Iowa's high school graduation rate must increase to at least ninety percent.
3. Students graduating from Iowa's education system must demonstrate competency in challenging subject matter, and must have learned to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in a global economy.
4. Iowa students must be first in the world in science and mathematics achievement.
5. Every adult Iowan must be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.
6. Every school in Iowa must be free of drugs and violence and offer a disciplined environment conducive to learning (256.37).

The Iowa Constitution does not contain an education clause.

#### **School Improvement**

The board of directors of each public school district shall appoint a school improvement advisory committee to make recommendations to the board. The advisory committee shall consist of members representing students, parents, teachers, administrators, and representatives from the community, which may include representatives of business, industry, labor, community agencies, higher education, or other community constituents. To the extent possible, committee membership shall have balanced representation with regard to race, gender, national origin, and disability (280.12(1)).

The board shall utilize the recommendations from the school improvement advisory committee to determine the following:

- a. Major educational needs.
- b. Student learning goals.
- c. Long-range and annual improvement goals that include, but are not limited to, the state indicators that address reading, mathematics, and science achievement.
- d. Desired levels of student performance.
- e. Progress toward meeting the goals set out in paragraphs "b" through "d" (280.12(2)).

#### **Strategic Planning and Rule-Making**

The board of directors of each public school district shall prescribe the minimum educational program and an attendance policy which shall require each child to attend school for at least 148 days, to be met by attendance for at least 37 days each school quarter, for the schools under their jurisdictions. The minimum educational program shall be the curriculum set forth in section 256.11, except as otherwise provided by law. The board of directors of a public school district shall not allow discrimination in any educational program on the basis of race, color, creed, sex, marital status or place of national origin. The board of directors of each public school district shall establish and maintain attendance centers based upon the needs of the school age pupils enrolled in the school district. Kindergarten programs

shall and prekindergarten programs may be provided. In addition, the board of directors may include in the educational program of any school such additional courses, subjects, or activities which it deems fit the needs of the pupils (280.3).

The board of directors of a public school district shall set the number of days of required attendance for the schools under its control. The board of directors of a public school district may, by resolution, require attendance for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school (299.1).

The board of directors shall determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, determine the particular school which each child shall attend, and designate the period each school shall be held beyond the time required by law (279.11).

The board of any school district may establish and maintain public evening schools as a branch of the public schools when deemed advisable for the public convenience and welfare. When ten or more persons over sixteen years of age residing in any school district shall, in writing, express a desire for instruction in the common branches at an evening school, the school board shall establish and maintain an evening school for such instruction for not less than two hours each evening for at least two evenings each week during the period of not less than three months of each school year. Such evening school shall be available to all persons over sixteen years of age who for any cause are unable to attend the public day schools of such school districts (288.1, 288.2, 288.3).

The board of directors in any school district situated in whole or in part in any city having a populations of twelve thousand or over, in which there shall reside or be employed, or both, fifteen or more children over fourteen years of age and under sixteen years of age, who are not in regular attendance in a full-time day school and who have not graduated from a four-year approved high school, shall establish and maintain part-time schools, departments, or classes for such children. In districts situated in whole or in part in cities having less than twelve thousand population, the board may establish and maintain such schools. Such part-time schools, departments, or classes, for the attendance of children over fourteen and under sixteen year of age, shall be organized in accordance with standards established by the state board for vocational education and shall provide for not less than eight hours of instruction per week during the length of term for which public schools are established in the district. Such part-time schools, departments, or classes shall be held between the hours of eight o'clock am. and six o'clock p.m. (289.1, 289.3).

A representative from the board of directors shall served on the regional vocational education planning board (258.16).

A board does not have the authority to arbitrarily require pupils to attend school on Saturday instead of Monday (1910 Op. Att'y Gen. 105 (#9-11-23)).

A school board has the authority to make and enforce rules and regulations pertaining to the operation of automobiles by students during the school noon intermission (OAG #57-5-17).

A school board has no authority to retain a student's report card to coerce payment of school fees when the student has completed scholastic requirements (OAG #65-3-12(L); OAG #62-8-8).

A board cannot refuse a diploma to a senior who refuses to wear a cap and gown at graduation ceremonies or refuses to pay a graduation fee (OAG #37-5-17).

A board has no power to impose requirements of one year's resident work on a bona-fide resident otherwise qualified for graduation (1938 Op. Att'y Gen. 230 (#37-5-37)).

The board shall develop and maintain a policy manual which provides a codification of its policies including the adoption date, the review date, and any revision date for each policy. Policies shall be reviewed at least every five years to ensure relevance to current practices and compliance with the Iowa Code, administrative rules and decisions, and court decisions (IAC 281--12.3(2)).

The failure of any local district to comply with the provisions of chapter 285 or any other laws relating to the transportation of pupils, or any rules made by the department of education or the final decisions of the AEA board, or the final decisions of the department of education shall during the period such failure to comply existed forfeit the rights to collect transportation costs from school or parents while operating in such illegal manner. Any superintendent, board, or board member who knowingly operates or permits to be operated any school bus transporting public school pupils in violation of any school transportation law shall be deemed guilty of a simple misdemeanor (285.15).

The directors of all schools shall enforce the provisions of section 287.1 which states that it shall be unlawful for any public school pupil to join, become a member of, or to solicit any other pupil of any such school to join, or become a member of, any fraternity or society wholly or partially formed from the membership of pupils attending any such schools, or to take part in the organization or formation of any such fraternity or society, except such societies or associations as are sanctioned by the directors of such schools (287.2, 287.1).

The board of directors of each and every school district is hereby authorized and empowered to adopt textbooks for the teaching of all branches that are now or may hereafter be authorized to be taught in the public schools, and to contract for and buy said books and any and all other necessary school supplies at said contract prices, and to sell the same to the public of their respective districts at cost, loan such textbooks to such pupils free, or rent them to such pupils at such reasonable fee as the board shall fix, and said money so received shall be returned to the general fund. Textbooks adopted and purchased by a school district may, and shall to the extent funds are appropriated by the general assembly, be made available to pupils attending accredited nonpublic schools upon request of the pupil or the pupil's parent under comparable terms as made available to pupils attending public schools. Textbooks means books and loose-leaf or bound manuals, systems of reusable instructional materials or combinations of books and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process, or electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media (301.1).

The board shall hold pupils responsible for any damage to, loss of or failure to return any such books, and shall adopt such rules and regulations as may be reasonable and necessary for the keeping and preservation thereof. Any pupil shall be allowed to purchase any textbook used in the school at cost. No pupil already supplied with textbooks shall be supplied with others without charge until needed (301.26).

The board shall include in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway visibility caused by fog, snow or other weather conditions (279.8).

The board may make necessary rules to provide for the policing, control and regulation of traffic and parking of vehicles and bicycles on school grounds (279.8A).

The board shall have the authority to include in its rules provisions allowing school corporation employees to use school credit cards to pay for the actual and necessary expenses incurred in the performance of work-related duties (279.8).

The board shall make rules which prohibit the use of tobacco and the use or possession of alcoholic liquor, wine, or beer or any controlled substance by any student of the schools and the board may suspend or expel any student for any violation of the rule (279.9).

The board shall not adopt rules which require its employees to reside within the boundaries of the school district (279.22).

The board of directors shall cooperate with the emergency management division of the department of public defense to carry out the provisions of chapter 29C. In carrying out the provision of that chapter, the board shall utilize, to the maximum extent practicable, the services, equipment, supplies and facilities of the school district (29C.9, 29C.12).

Upon the receipt by a public employer of a request from an employee organization to bargain on behalf of public employees, the duty to engage in collective bargaining shall arise if the employee organization has been certified by the board as the exclusive bargaining representative for the public employees in that bargaining unit (20.16).

Religious books such as the Bible, the Torah, and the Koran shall not be excluded from any public school nor shall any child be required to read such religious books contrary to the wishes of the child's parent or guardian (280.6).

The board of directors of each public school district shall make adequate educational provisions for each resident child requiring special education appropriate to the nature and severity of the child's disability (256B, 280.8).

The board of directors of each local public school district shall provide the eye-protective safety devices required by section 280.10. Such devices may be paid for from the general fund but the board may require students and teacher to pay for the safety devices and shall make them available to student and teachers at no more than the actual costs to the district (280.10).

The board of directors of each local public school district shall provide the ear-protective safety devices required by section 280.11. Such devices may be paid for from the general fund, but the board may require students and teachers to

pay for the safety devices and shall make them available to student and teachers at no more than the actual cost to the district (280.11).

Equal opportunity in programs shall be provided to all students regardless of race, color, national origin, gender, disability, religion, or creed. Each school district shall take affirmative steps to integrate students in attendance centers and courses. Schools and school districts shall collect and annually review district, attendance center, and course enrollment data on the basis of race, color, national origin, gender, disability, religion, or creed (IAC 281--12.1(1)).

The board shall establish a policy to ensure that students are free from discriminatory practices in the educational program. In developing or revising the policy, parents, students, instructional and noninstructional staff, and community members shall be involved. Each school or school district shall incorporate gender fair goals for the education program into its comprehensive school improvement plan (IAC 281--12.5(8)).

The board of each school district may appoint a truancy officer. The board of each school district, which does not appoint a truancy officer for the district, shall designate a suitable person to collect information on the numbers of children in the district who are truant. The board may appoint a member of the police force, marshal, teacher, school official, or other suitable person to serve as the district truancy officer (299.10).

The board of directors of a public school shall prescribe procedures for the handling of reports of child abuse alleged to have been committed by an employee or agent of the public school (280.17).

The board of directors of a public school shall prescribe procedures requiring school officials to report to local law enforcement agencies any dangerous weapon possessed on school premises in violation of school policy or state law (280.17A). The board of directors of a public school shall prescribe procedures for continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion (280.17B).

The board of directors of a school district which receives services supported by federal funds shall expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school or knowingly possessed a weapon at a school under the jurisdiction of the board. However, the superintendent of the school district may modify expulsion requirement on a case-by-case basis. This section shall not be construed to prevent the board of directors of a school district that has expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting (280.21B).

The board of directors of each public school shall prescribe procedures to report any use or possession of alcoholic liquor, wine, or beer or any controlled substance on school premises to local law enforcement agencies, if the use or possession is in violation of school policy or state law (280.24).

The board of directors of each public school district shall not require nonadministrative personnel to perform any special health services or intrusive nonemergency medical services for students unless the nonadministrative personnel are licensed or otherwise qualified and have consented to perform the services (280.23).

Each board of directors of a public school shall adopt rules in the form of a written [student] publications code (280.22(4)).

The district shall approve written investment policies which incorporate the guidelines specified in section 12B.10, sections 12B.10A through 12B.10C, and any other provisions deemed necessary to adequately safeguard invested public funds (12B.10B(1)). The written investment policy shall be delivered to all of the following:

- a. The governing body or officer of the public entity to which the policy applies.
- b. All depository institutions or fiduciaries for public funds of the public entity.
- c. The auditor of the public entity (12B.10B(2)).

Each school board shall provide instruction in human growth and development (279.50).

The board of directors shall incorporate into the educational program the total concept of career education to enable students to become familiar with the values of a work-oriented society (280.9).

The board of directors shall require as a condition of graduation instruction in American history and the governments of Iowa and the United States (280.9A(1)).

A school district shall operate or provide for the operation of school breakfast and lunch programs at all attendance centers in the district. However, with the approval of the department of education a school district may provide access

to a school breakfast program at an alternative site to students who wish to participate in a school breakfast program. The programs shall provide students with nutritionally adequate meals and shall be operated in compliance with the rules of the state board of education and pertinent federal law and regulation, for all students in each district who attend public school four or more hours each school day and wish to participate in a school breakfast or lunch program. School districts may provide school lunch programs for other students (283A.2(2)(a)).

The board of directors shall incorporate into the kindergarten admissions program, criteria and procedures for identification and integration of at-risk children and their developmental needs (280.19).

Each school district shall adopt a plan to provide alternative options education programs to students who are either at risk of dropping out or have dropped out (280.19A).

Each school or school district shall incorporate into its comprehensive school improvement plan provisions for the professional development of all staff. To meet the professional needs of all staff, staff development activities shall align with district goals; shall be based on student and staff information; shall prepare all employees to work effectively with diverse learners and to implement multicultural, gender fair approaches to the educational program; and shall emphasize the research-based practices to achieve increased student achievement, learning, and performance as stated in the comprehensive school improvement plan (IAC 281--12.7(1)). The board shall annually budget specified funds to implement the plan required (IAC 281--12.7(2)).

Each board shall sponsor a pupil activity program sufficiently broad and balanced to offer opportunities for all pupils to participate. The program shall be supervised by qualified professional staff and shall be designed to meet the needs and interests and challenge the abilities of all pupils consistent with their individual stages of development; contribute to the physical, mental, athletic, civic, social, moral, and emotional growth of all pupils; offer opportunities for both individual and group activities; be integrated with the instructional program; and provide balance so a limited number of activities will not be perpetuated at the expense of others (IAC 281--12.6(1)).

A public school shall not participate in or allow students representing a public school to participate in any extracurricular interscholastic athletic contest or competition which is sponsored or administered by an organization unless the organization is registered with the department of education, files the required financial statements, and is in compliance with rules which the state board of education adopts (280.13).

The board of each school district shall estimate the amount of the proposed expenditures and proposed receipts for the general school purposes at a time and in a manner to effectuate the provisions of chapter 257 and sections 256B.9 and 256B.11. Compliance with chapter 24 shall be observed (298.1).

For the budget year beginning July 1, 1989, and each of the following three budget years, the board of directors of a school district in which the [executive] administrative expenditures as a percent of the school district's general fund for a base year exceed five percent, shall reduce its administrative expenditures so that they are one-half percent less as a percent of the school district's general fund than they were for the base year. However, a school district is not required to reduce its administrative expenditures below five percent of its general fund. Thereafter, a school district shall not increase the percent of its administrative expenditures compared to its general fund. Annually, the board of directors shall certify to the department of education the amounts of the school district's administrative expenditures and its general fund (279.45).

School districts and area education agencies shall not charge other school districts or area education agencies for plans or information about innovative Educational Excellence Phase III plans that they have developed (294A.19).

The board of directors of each school district utilizing telecommunications as an instructional tool shall participate in procedures adopted by the state board of education (279.47).

A school district has the implied authority under section 280.14 to hire a lobbyist to act on its behalf (OAG #93-3-4(L)).

Boards of directors of school corporations may pay, out of funds available to them reasonable annual dues to the Iowa association of school boards. Membership in such an Iowa association of school boards shall be limited to those duly elected members of the board of directors of local school corporations (279.38). Duly elected members of boards of directors and designated administrators of school corporations may join, including the payment of dues, and participate in local, regional and national organizations which directly related to the functions of the board of directors (279.38A).

A school board has no authority to distribute to the taxpayers on a prorata basis the surplus in the general fund when the school district goes out of existence (OAG #59-7-23).

The board of directors of each public school district shall provide and maintain a suitable flagstaff on each school site under its control, and the United States flag and the Iowa state flag shall be raised on all school days when weather conditions are suitable (280.5).

At least twice during each school year the board of directors shall offer the opportunity to register to vote to each student who is at least seventeen and one-half years of age (280.9A(2)).

The school corporation in which the student resides shall pay from the general fund to the secretary of the corporation in which the student is permitted to enroll, a tuition fee as prescribed in section 282.24 (282.20). If payment is not made, the board of the creditor corporation shall file with the auditor of the county of the pupil's residence a statement certified by its president specifying the amount due for tuition, and the time for which the same is claimed. The auditor shall transmit to the county treasurer an order directing the county treasurer to transfer the amount of such account from the funds of the debtor corporation to the creditor corporation, and the county treasurer shall pay the same accordingly (282.21).

The board of directors shall notify the cities located within the school district, the counties in which the school district may be located, and the department of general services annually of the facilities and buildings owned by the public school corporation which are vacant and available to be leased or purchased (297.4).

Before proceeding to construct or purchase a facility as otherwise provided by law, a public agency shall inquire of other public agencies having facilities with the same general geographic area concerning the availability of all or part of those facilities for rent or sharing by agreement with the inquiring public agency. If there are no suitable facilities available for rent or sharing, the governing body of the public agency shall record its findings in its meeting minutes (28E.18).

Each board of directors in school districts where the school grounds adjoin cultivated or improved lands shall build and maintain a lawful fence between said grounds and cultivated or improved lands, and the owner of lands adjoining any such site shall have the right to connect the fence on the owner's land with the fence around the school grounds, but the owner shall not be liable to contribute to the maintenance of such fence (297.13). No fence shall be constructed of barbed wire, nor shall any barbed wire fence be placed within ten (10) feet of any school grounds. Any person violating the provisions of this section shall be guilty of a simple misdemeanor (297.14).

All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of the vehicle. This label shall be designed to cover not less than one square foot of surface. A violation of this labeling requirement shall be a serious misdemeanor (721.8, 721.9).

A motor vehicle purchased by or used under the direction of the board of directors to provide services to a school corporation shall not operate on gasoline other than gasoline blended with at least ten percent ethanol. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on gasoline blended with ethanol (279.34).

### **Evaluation and Oversight**

The board shall establish written evaluation criteria and shall establish and annually implement evaluation procedures. The board shall also establish written job descriptions for all supervisory positions (279.23A).

Each board shall adopt evaluation criteria and procedures for all contracted staff. The evaluation processes shall conform to Iowa Code sections 272.33, 279.14, and 279.23A (IAC 281--12.3(3)).

The board shall establish evaluation criteria and shall implement evaluation procedures (279.14(1)). The determination of standards of performance expected of school district personnel shall be reserved as an exclusive management right of the school board and shall not be subject to mandatory negotiations under chapter 20 (279.14(2)).

A school corporation which owns facilities used as attendance centers for students shall maintain an itemized statement of the appraised value of all buildings owned by the school corporation. Beginning July 1, 1976, the appraisal shall be updated at least one time every five years (282.24).

The board shall audit and allow all just claims against the corporation, and no order shall be drawn upon the treasury until the claim therefor has been audited and allowed. In any district in which the board consists of five or more members, an audit made by one or more members of the board designated by the board or by a certified public accountant employed by the board, and certified to the board by such member or members of the board or by such

accountant, shall satisfy the requirements of this section with respect to the audit of a claim (279.29). [Allowance of a claim, however, must be done by the board as a whole.]

The board shall from time to time examine the accounts of the treasurer and make settlements with the treasurer (279.31).

At a regular or special meeting held on or after August 31 and prior to the organizational meeting held after the regular school election, the board of each school corporation shall meet, examine the books of and settle with the secretary and treasurer for the year ending on the preceding June 30, and transact other business as necessary. The treasurer at the time of settlement shall furnish the board with a sworn statement from each depository showing the balance then on deposit in the depository. If the secretary or treasurer fail to make proper reports for the settlement, the board shall take action to obtain the balance information (279.33).

Between July 1, 1986 and June 30, 1991, and on a staggered annual basis each five years thereafter, the board of directors of each school district shall file with the department of natural resources the results of an energy audit of the buildings owned and [the buildings] leased by the school district. The energy audit shall be conducted under rules adopted by the department of natural resources pursuant to chapter 17A. The department of natural resources may waive the requirement for the initial and subsequent energy audits for school districts that submit evidence that energy audits were conducted prior to January 1, 1987, and energy consumption for the district is at an adjusted statewide average or below. This section takes effect only if funds have been made available to a school district to pay the costs of the energy audit (279.44).

## **Public School Officials**

The doctrines of incompatibility of office and conflict of interest do not preclude an individual from serving both as a member of the county board of supervisors and as a member of the board of directors of a local school (OAG #92-9-1).

An assistant county attorney is a public employee, not a public officer. Therefore, incompatibility doctrine is inapplicable and assistant county attorneys may serve on school boards (OAG #91-7-2).

The offices of county assessor and secretary of the school board are not incompatible (#89-10-3(L)).

## **The Board President**

The president of the board of directors shall:

- (a) preside at all of its meetings,
- (b) sign all contracts made by the board,
- (c) and appear in behalf of the corporation in all actions brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary (291.1).

The president or the president's designee shall sign, using an original or facsimile signature, all school district warrants drawn as provided by law (291.1).

The board of directors may by resolution authorize the secretary, upon approval of the president of the board, to issue warrants when the board of directors is not in session, but only upon verified bills filed with the secretary, and the secretary shall either deliver in person or mail the warrant to the payee (279.30).

In case of a breach of the bond of the secretary or treasurer, the president shall bring action thereon in the name of the school corporation (291.5).

Promptly report to the secretary any known violations of the truancy law (299.15).

## **The School District Secretary**

The board shall appoint a secretary who shall not be a teacher employed by the board but may be another employee of the board. The board shall also appoint a treasurer who may be another employee of the board. However, the board may appoint one person to serve as the secretary and the treasurer. These officers shall be appointed from outside the membership of the board for terms of one year beginning with the date of appointment, and the appointment and qualification shall be entered of record in the minutes of the secretary. They shall qualify within ten days following appointment by taking the oath of office in the manner required by section 277.28 and filing a bond as required by section 291.2 and shall hold office until their successors are appointed and qualified (279.3). The secretary and



treasurer, within ten days after appointment and before entering upon the duties of the office, shall execute to the school corporation a surety bond in an amount sufficient to cover current operations as determined by the board. All such bonds shall be continued to the faithful discharge of the duties of the office. The amount and sufficiency of all surety bonds shall be determined and approved by the board and shall be filed with the president. The cost of the surety bond shall be paid by the school corporation. If a single person serves as secretary and treasurer, pursuant to section 279.3 or 260C.12, only one bond is necessary for that person. The secretary and treasurer may give bond under a single bond covering other employees of the district (291.2). If the bond of an association or corporation as surety is furnished, the reasonable cost of such bond may be paid by the school corporation (291.3). Each shall take the oath required of civil officers, which shall be endorsed upon the bond, and shall complete the qualification within ten days (291.4). The board shall appoint a temporary secretary in the absence of the regular officer (279.5).

A board may cancel an official bond and obtain a new bond from a different carrier prior to expiration of an official's term, provided that the provisions of chapter 64 are followed in procuring the new bond, and provided that no language in the original bond instrument prohibits such cancellation (OAG #96-10-1(L)).

The board shall fix the compensation to be paid the secretary (279.32).

It is not permissible for the school district to employ a person as secretary. The secretary is an appointed officer rather than an employee. The board may assign business management duties in addition to the statutory duties (OAG #76-4-15). However, an employee other than a teacher could be appointed as secretary (279.3). In this case, this person holds two legally separated, though possibly integrated, positions with the district--one an appointed position and one an employed position.

The district secretary appointed by the board of directors is an "officer" whether the person is serving in a community district or any other type of school district (OAG #56-9-24).

**The major duties of the secretary are as follows:**

File and preserve copies of all reports made and all papers transmitted pertaining to the business of the corporation. (291.6(1)).

Keep a complete record of all the proceedings of the meetings of the board and of all regular or special elections in the corporation in separate books (291.6(2)).

Keep an accurate, separate account of each fund with the treasurer, charge the treasurer with all warrants and drafts drawn in the treasurer's favor, and credit the treasurer with all orders drawn on each fund (291.6(3)).

Keep an accurate account of all expenses incurred by the corporation, and present the same to the board for audit and payment (291.6(4)).

The secretary of each district shall file monthly with the board of directors, a complete statement of all receipts and disbursements from the various funds during the preceding month, and also the balance remaining on hand in the various funds at the close of the period covered by the statement, which monthly statements shall be open to public inspection (291.7).

At a regular or special meeting held on or after August 31 and prior to the organizational meeting held after the regular school election, the board shall meet, examine the books of and settle with the secretary for the year ending on the preceding June 30 (279.33).

The secretary shall draw each order on the treasurer, specify the fund on which it is drawn and the use for which the money is appropriated; countersign using an original or facsimile signature and keep a register of the order, showing the number, date, to whom drawn, the fund upon which it is drawn, the purpose and the amount; and at each regular annual meeting furnish the board with a copy of the register (291.8).

If the board of directors has so authorized by resolution, the secretary may issue warrants when the board of directors is not in session in payment of freight, drayage, express, postage, printing, water, light, and telephone rents, but only upon verified bills filed with the secretary and for the payment of salaries pursuant to the terms of a written contract, and the secretary shall either deliver in person or mail the warrants to the payees. In addition, the board of directors may by resolution authorize the secretary, upon approval of the president, to issue [other] warrants when the board of directors is not in session, but only upon verified bills filed with the secretary, and the secretary shall either deliver in person or mail the warrants to the payees. Each warrant must be made payable only to the person performing the service or presenting the verified bill, and must state the purpose for which the warrant is issued. All bills and salaries for which

warrants are issued prior to audit and allowance by the board must be passed upon by the board of directors at the next meeting and be entered in the regular minutes of the secretary (279.30).

Report to the director of the department of education, the county auditor and the county treasurer the name and post office address of the president, treasurer, and secretary of the board as soon as practicable after the qualification of each (291.11).

The secretary shall appear in behalf of the corporation in all action brought by or against it when the president of the board of directors is individually a party in the action (291.1).

If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members have not filled the vacancy within thirty days after the vacancy occurs, or when the board is reduced below a quorum, the secretary of the board shall call a special election in the district, subdistrict, or subdistricts to fill the vacancy or vacancies (279.7).

In the event of a disagreement [pertaining to school transportation] between a school patron and the board of the school district, the patron if dissatisfied with the decision of the district board, may appeal the same to the area education agency board, notifying the secretary of the district in writing within ten days of the decision of the board and by filing an affidavit of appeal with the agency board within the ten-day period. The affidavit of appeal shall include the reasons for the appeal and points at issue. The secretary of the local board on receiving notice of appeal shall certify all papers to the agency board which shall hear the appeal within ten days of the receipt of the papers and decide it within three days of the conclusion of the hearing and shall immediately notify all parties of its decision (285.12).

Any person aggrieved by a decision or order of the board of directors may appeal to the state board of education. The state board of education shall, within five days after the filing of such affidavit, notify the secretary of the proper school corporation in writing of the taking of such appeal, who shall, within ten days after being thus notified, file with the state board a complete certified transcript of the record and proceedings relating to the decision appealed from (290.2).

The secretary shall receive from each teacher immediately at the close of school the daily register of student attendance (294.4).

The board may delegate its responsibility for handling investment transactions to the secretary (12C.11).

A school district may be garnisheed upon a judgment against an employee. No debt of the garnishee is subject to garnishment other than the wages of the public employee. Service of the original notice shall be made to the secretary of the school district. The garnishee shall be required to answer within thirty days following receipt of the notice. A judgment in garnishment shall be enforceable against a garnishee only to the extent of the defendant's wages actually in the possession of the garnishee, and shall not be enforceable against any property, claims or other rights of the garnishee (642.2). Worker compensation is exempt except for the purposes of enforcing child, spousal, or medical support obligations (627.13).

Request a certificate and report in duplicate from accredited nonpublic schools located within the district of the names and ages of each pupil who is of compulsory attendance age and the grade level of each pupil. In addition, the report shall identify all students of compulsory attendance age who were truant and the number of days of truancy for the period covered by the report, and children who dropped out, withdrew from enrollment, or transferred to another Iowa school and the date their attendance ceased at the accredited nonpublic school. The secretary shall retain one of the reports and file the other with the secretary of the AEA (299.3).

Retain and file one copy and forward the other copy to the AEA reports regarding private instruction of pupils of compulsory attendance age. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and the name and address of the instructor (299.4).

All certificates, reports, and proofs related to compulsory education shall be filed and preserved in the office of the secretary of the school corporation as a part of the records of that office, and the secretary shall furnish certified copies thereof to any person requesting the same (299.7).

All school officers and employees shall promptly report to the secretary of the school corporation any violations of the truancy law of which they have knowledge, and the secretary shall inform the president of the board of directors who shall, if necessary, call a meeting of the board to take such action thereon as the facts justify (299.15).

The secretary shall furnish a copy of the proceedings of each regular, adjourned, or special meeting of the board to be published within two weeks following the adjournment of the meeting. The schedule of bills allowed may be published on a once monthly basis in lieu of publication with the proceedings of each meeting of the board. The list of claims allowed shall include the name of the person or firm making the claim, the purpose of the claim, and the amount of the claim. However, salaries paid to individuals regularly employed by the district shall only be published annually and the publication shall include the total amount of the annual salary of each employee (279.35).

On or before February 15 and June 15 of each year, the secretary of the creditor district shall deliver to the secretary of the debtor district an itemized statement of tuition fees (282.20). Tuition under open enrollment, however, shall be paid quarterly (282.18(9)).

The secretary shall designate some suitable place for the organization meeting of the board of directors and notify each member and member-elect of the place and hour (279.1).

The secretary of the school board shall accept the petition for filing [nomination] if on its face it appears to have the requisite number of signatures and if it is timely filed. The secretary shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed. If the secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers. On the final date for filing nomination papers the office of the secretary shall remain open until five p.m. The secretary shall deliver all nomination petitions, together with the complete text of any public measure being submitted by the board to the electorate, to the county commissioner of elections not later than five o'clock p.m. on the day following the last day on which nomination petitions can be filed (277.4).

When an election on the proposition of organizing, reorganizing, enlarging, or changing the boundaries of any school corporation, or on the proposition of dissolving a school district, carries by the required statutory margin, or the boundary lines of contiguous school corporations are changed by the concurrent action of the respective boards of directors, the secretary of the school corporation shall file a written description of the new boundaries of the school corporation in the office of the county auditor of each county in which any portion of the school corporation lies (274.4).

Upon termination of term of office, the secretary shall immediately surrender to the successor all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor (277.31).

Each school officer shall install and use in the office a system of uniform [financial accounting] blanks and forms as prescribed by law (11.23).

The secretary shall file an annual report with the director of the department of education on forms prepared for that purpose (291.10).

## **The School District Treasurer**

The board shall appoint a secretary who shall not be a teacher employed by the board but may be another employee of the board. The board shall also appoint a treasurer who may be another employee of the board. However, the board may appoint one person to serve as the secretary and the treasurer. These officers shall be appointed from outside the membership of the board for terms of one year beginning with the date of appointment, and the appointment and qualification shall be entered of record in the minutes of the secretary. They shall qualify within ten days following appointment by taking the oath of office in the manner required by section 277.28 and filing a bond as required by section 291.2 and shall hold office until their successors are appointed and qualified (279.3). The secretary and treasurer, within ten days after appointment and before entering upon the duties of the office, shall execute to the school corporation a surety bond in an amount sufficient to cover current operations as determined by the board. All such bonds shall be continued to the faithful discharge of the duties of the office. The amount and sufficiency of all surety bonds shall be determined and approved by the board and shall be filed with the president. The cost of the surety bond shall be paid by the school corporation. If a single person serves as secretary and treasurer, pursuant to section 279.3 or 260C.12, only one bond is necessary for that person. The secretary and treasurer may give bond under a single bond covering other employees of the district (291.2). If the bond of an association or corporation as surety is furnished, the reasonable cost of such bond may be paid by the school corporation (291.3). Each shall take the oath required of civil officers, which shall be endorsed upon the bond, and shall complete the qualification within ten days (291.4).

A board may cancel an official bond and obtain a new bond from a different carrier prior to expiration of an official's term, provided that the provisions of chapter 64 are followed in procuring the new bond, and provided that no language in the original bond instrument prohibits such cancellation (OAG #96-10-1(L)).

Upon termination of the term of office, the treasurer shall immediately surrender to the successor all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor (277.31).

The board may pay a school district treasurer a reasonable compensation (279.32).

A treasurer of a school district is an officer of the district, and service of notice on the treasurer binds the district (Kennedy v. Independent School District of Derby Grange, 1978, 48 Iowa 189).

**The major duties of the school district treasurer are as follows:**

Receive all moneys belonging to the school district (291.12).

Pay only warrants signed by the president and countersigned by the secretary (291.12). No order shall be drawn upon the treasury until the claim therefor has been audited and allowed (279.29). Each warrant must be made payable to the person entitled to receive the money (279.30).

Keep an accurate record of all receipts and expenditures in a book provided for that purpose (291.12).

Register all orders drawn and reported to the treasurer by the secretary, showing the number, date, to whom drawn, fund upon which it is drawn, the purpose and amount (291.12).

The treasurer shall keep a separate account for each fund, and shall not pay an order that fails to state the fund upon which it is drawn and the specific use to which it is to be applied (298A.14).

Render a statement on the finances of the corporation whenever required by the board; and the treasurer's books shall always be open for inspection (291.14).

The board shall from time to time examine the accounts of the treasurer and make settlements with the treasurer (279.31). At a regular or special meeting held on or after August 31 and prior to the organizational meeting held after the regular school election, the board shall meet, examine the books of and settle with the treasurer for the year ending on the preceding June 30. The treasurer at the time of settlement shall furnish the board with a sworn statement from each depository showing the balance then on deposit in the depository (279.33).

All funds held by the treasurer shall be deposited in one or more depositories first approved by the board of school directors. The treasurer shall invest all funds not needed for current operating expenses in time certificate of deposit in approved depositories or in investment permitted by section 12B.10. The list of public depositories and the amounts severally deposited in the depositories are matters of public record (12C.1(1)). The treasurer shall at all times keep funds coming into their possession as public money in a vault or safe to be provided for that purpose or in one or more depositories approved by the board. Any public funds not currently needed shall be invested (12B.10).

Pending audit and allowance of claims under section 279.29, the board shall invest moneys of the corporation to the extent practicable, and the board may provide for the joint investment of moneys with one or more school corporations pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law (279.29).

At the time of any examination or at the time of any settlement with the treasurer, the treasurer shall produce and count in the presence of the officer or officers making such examination or settlement, all moneys or funds then on deposit in the safe or vault in the treasurer's office, and shall produce a statement of all money or funds on deposit with any depository wherein the treasurer is authorized to deposit such funds, which statement shall be certified by one or more officers of such depository, and shall correctly show the balance remaining on deposit in such depository at the close of business on the day preceding the day of such settlement. The treasurer shall also file a statement setting forth the numbers, dates, and amounts of all outstanding checks, or other items of difference, reconciling the balance as shown by the treasurer's books with those of the depositories (12B.11).

The board of directors may delegate its investment authority to the treasurer for handling investments transactions (12C.11).

If a warrant other than an anticipatory warrant is presented for payment, and is not paid for want of funds, or is only partially paid, the treasurer shall endorse the fact thereon, with the date of presentation, and sign the endorsement, and thereafter the warrant or the balance due thereon, shall bear interest at the rate specified in section 74A.2 (74.2).

The treasurer shall keep a record of each interest-bearing obligation which shall show the number and amount, the date interest commences, the rate of interest, and the name and post office address of the holder of the obligation (74.3).

When a nonnegotiable interest-bearing obligation is assigned or transferred, the assignee or transferee shall notify the treasurer in writing of the assignment or transfer and of the post office address of the assignee or transferee. Upon receiving notification, the treasurer accordingly shall correct the record maintained (74.4).

When a fund contains sufficient money to pay one or more interest-bearing obligations which are outstanding against the fund, the treasurer shall call those obligations for payment. Obligations may be paid in the order of presentation (74.5).

When an obligation which legally draws interest is paid, the treasurer shall endorse upon it the date of payment, and the amount of interest paid. The treasurer shall enter into the records maintained the date of payment and the amount of interest paid (74.7).

Whenever the amount in the hands of the treasurer, belonging to the funds set aside to pay bonds, is sufficient to redeem one or more of the bonds which by their terms are subject to redemption, the treasurer shall give the owner of said bonds thirty days' written notice of the readiness of the district to pay and the amount it desires to pay. If not presented for payment or redemption within thirty days after the date of such notice, the interest on such bonds shall cease and the amount due thereon shall be set aside for its payment whenever it is presented (298.23).

All redemptions shall be made in the order of their numbers. The treasurer shall keep a record of the parties to whom the bonds are sold, together with their post office addresses, and notice mailed to the address as shown by such record shall be sufficient (298.24).

Receive forfeitures imposed on any school officers for willingly violating any law relative to schools, or willfully failing or refusing to perform any duty imposed by law (277.32).

Promptly report to the secretary any known violations of the truancy law (299.15).

## **The Superintendent of Schools**

The board of directors of a school district may employ a superintendent of schools for a term of not to exceed three years. However, the board's initial contract with a superintendent shall not exceed one year if the board is obligated to pay a former superintendent under an unexpired contract. The superintendent shall be the executive officer of the board and have such powers and duties as may be prescribed by rules adopted by the board or by law. Boards of directors may jointly exercise the powers conferred by this section (279.20).

In addition to the authority cited above, the Iowa Code makes the following additional references to that particular position:

An individual who is employed or contracted as a superintendent by a school or school district may also serve as an elementary principal in the same school or school district (280.14).

In addition to licenses required under rules adopted pursuant to chapter 272, an individual employed as an administrator, supervisor, school service person, or teacher by a school district or AEA, who conducts evaluations of the performance of individuals holding licenses under chapter 272, shall possess an evaluator license or an evaluator endorsement appearing on a teaching or administrative licenses (272.33).

The superintendent or designee shall issue work permits upon written request, except for migrant laborers, for resident children employed who are at least fourteen and less than sixteen years of age (92.11) The superintendent shall cooperate in the enforcement of chapter 92 and to furnish the labor commissioner with all known information regarding violations of this chapter (92.22).

It shall be unlawful for any school district to rebate to any pupils or their parents, directly or indirectly, any portion of the tuition collected or to be collected or to authorize or permit such pupils to receive at the expense of the district, directly or indirectly, any special compensation, benefit, privilege, or other thing of value that is not and cannot legally be made available to all other pupils enrolled in its schools. Any superintendent or board member responsible for such unlawful act shall be personally liable to a fine not to exceed one hundred dollars (282.20).

Any superintendent, board, or board member who knowingly operates or permits to be operated any school bus transporting public school pupils in violation of any school transportation law shall be deemed guilty of a simple misdemeanor (285.15).

The board may confer upon any teacher, principal or superintendent the power temporarily to suspend a pupil and to readmit the pupil (282.4, 282.5).

Promptly report to the secretary any known violations of the truancy law (299.15).

Contracts with administrators shall be in writing and shall contain all of the following:

- (1) The term of employment.
- (2) The length of time during the school year services are to be performed.
- (3) The compensation per week of five consecutive days or month of four consecutive weeks.
- (4) A statement that the contract is invalid if the administrator is under contract with another board of directors in this state covering the same period of time, until such contract shall have been released or terminated by its provisions.
- (5) Such other matters as may be agreed upon (279.23).

### **Official Misconduct--Directors, Officers, Employees**

Any public officer or employee, who knowingly does any of the following, commits a class "D" felony:

1. Makes or gives any false entry, false return, false certificate, or false receipt, where such entries, returns, certificates, or receipts are authorized by law.
2. Falsifies any public record, or issues any document falsely purporting to be a public document.
3. Falsifies a writing, or knowingly delivers a falsified writing, with the knowledge that the writing is falsified and that the writing will become a public record of a government body (721.1).

Any public officer or employee, or any person acting under color of such office or employment, who knowingly does any of the following, commits a serious misdemeanor:

1. Makes any contract which contemplates an expenditure known by the person to be in excess of that authorized by law.
2. Fails to report to the proper officer the receipt or expenditure of public moneys, together with the proper vouchers therefor, when such is required of the person by law.
3. Requests, demands, or receives from another for performing any service or duty which is required of the person by law, or which is performed as an incident of the person's office or employment, any compensation other than the fee, if any, which the person is authorized by law to receive for such performance.
4. By color of the person's office and in excess of the authority conferred on the person by that office, requires any person to do anything or to refrain from doing any lawful thing.
5. Uses or permits any other person to use the property owned by the school district for any private purpose and for personal gain, to the detriment of the district.
6. Fails to perform any duty required of the person by law.
7. Demands that any public employee contribute or pay anything of value, either directly or indirectly, to any person, organization or fund, or in any way coerces or attempts to coerce any public employee to make any such contributions or payments, except where such contributions or payments are expressly required by law.
8. Permit persons to use the property owned by the district to operate a political phone bank for any of the following purposes:
  - a. To poll voters on their preferences for candidates or ballot measures at an election.
  - b. To solicit funds for a political candidate or organization.
  - c. To urge support for a candidate or ballot measure to voters (721.2).

Any appointive or elective officer holding any public office may be removed from office by the district court for any of the following reasons:

1. For willful or habitual neglect or refusal to perform the duties of the office.
2. For willful misconduct or maladministration in office.
3. For corruption.
4. For extortion.
5. Upon conviction of a felony.
6. For intoxication, or upon conviction of being intoxicated.
7. Upon conviction of violating the campaign finance disclosure provisions of chapter 56 (66.1A).

It shall be a serious misdemeanor for any person or political organization either directly or indirectly to solicit or demand from any employee any contribution of money or any other thing of value for election purposes or for the purpose of paying expenses of any political organization or any person seeking election to public office (721.3, 721.7).

It shall be a serious misdemeanor for any person to use or permit to be used any motor vehicle owned by the school district for the purpose of transporting any political literature or any person or persons engaging in a political campaign for any political party or any person seeking an elective office (721.4, 721.7).

All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of the vehicle. This label shall be designed to cover not less than one square foot of surface. A violation of this labeling requirement shall be a serious misdemeanor (721.8, 721.9).

A public officer or employee who, by reason of the officer's or employee's employment, has access to any public record, or to any file, dossier, or accumulation of information of any kind, and who gives or transfers to any person, in exchange for anything of value other than fees authorized by law, any such record, file, dossier, or accumulation of information, or any part thereof, or who imparts to any person any information contained therein in exchange for anything of value other than fees authorized by law, commits a serious misdemeanor (721.10).

Any officer or employee of the district who is directly or indirectly interested in any contract to furnish anything of value to the state or any subdivision thereof where such interest is prohibited by statute commits a serious misdemeanor. This section shall not apply to any contract awarded as a result of open, public and competitive bidding (721.11).

A person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee who solicits or knowingly accepts or receives a promise or anything of value or a benefit given pursuant to an understanding or arrangement that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "C" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state (722.2).

Refusal by any public official to permit public inspection of audit reports when such reports have been filed with the state auditor shall constitute a simple misdemeanor (11.14).

Failure on the part of a public official to perform any of the duties prescribed in chapters 73A and 24, and sections 8.39 and 11.1 to 11.5, constitutes a simple misdemeanor, and is sufficient ground for removal from office (24.24).

A violation of the provisions of section 72.3 shall, in addition to criminal liability, render the violator liable, personally and on the violator's bond, if any, to liquidated damages in the sum of one thousand dollars for each violation, to inure to and be collected by the school corporation of which the violator is an officer (72.4).

An officer or person who is connected with or is a member of a board of a school district who fails to give preference to Iowa products and labor as required by chapter 73 is guilty of a simple misdemeanor. Each separate case of failure to give preference is a separate offense (73.5).

It shall be unlawful for any school director, officer, area education director or teacher to act as agent for any school textbooks or school supplies during such term of office or employment, and any school director, officer, area education director or teacher who shall act as agent or dealer in school textbooks or school supplies, during the term of such office or employment, shall be deemed guilty of a serious misdemeanor (301.28).

It shall be unlawful for any school district to rebate to any pupils or their parents, directly or indirectly, any portion of the tuition collected or to be collected or to authorize or permit such pupils to receive at the expense of the district, directly or indirectly, any special compensation, benefit, privilege, or other thing of value that is not and cannot legally be made available to all other pupils enrolled in its schools. Any superintendent or board member responsible for such unlawful act shall be personally liable to a fine not to exceed one hundred dollars (282.20).

Any person who operates or permits to be operated as a school bus to transport pupils, any vehicle which does not comply with the requirements provided by law or by the rules and regulations of the department of education, or for which there is not a valid temporary certificate for operation, shall be guilty of a simple misdemeanor (285.14).

Any superintendent, board, or board member who knowingly operates or permits to be operated any school bus transporting public school pupils in violation of any school transportation law shall be deemed guilty of a simple misdemeanor (285.15).

No school board shall purchase, construct, or contract for use, to transport pupils to or from school, any school bus which does not comply with the minimum requirements of section 321.373 and any individual, or any member of officer of such board who authorizes the purchase, construction, or contract for an such bus not complying with these minimum requirements shall be guilty of a misdemeanor (321.379).

No fence shall be constructed of barbed wire, nor shall any barbed wire fence be placed within ten (10) feet of any school grounds. Any person violating the provisions of this section shall be guilty of a simple misdemeanor (297.14).

Failure by any school district to provide information or appear before the school budget review committee (SBRC) is justification for the committee to instruct the director of the department of management to withhold any state aid to that district until the committee's inquiries are satisfied completely (257.31(11)).

The director of the department of education shall prepare forms and procedures as necessary to be used by area education agency boards, district boards, school officials, principals, teachers, and other employees, and to insure uniformity, accuracy, and efficiency in keeping records in both pupil and cost accounting, the executive of contracts, and the submission of reports, and notify the area education agency board, district board, or school authorities when a report has not been filed in the manner or on the dates prescribed that the school will not be accredited until the report has been properly filed (256.9(18)).

A prosecution for a simple misdemeanor or violation of a municipal or county rule or ordinance shall be commenced within one year after its commission (802.4).

The county attorney shall prosecute or assist in the prosecution of actions to remove public officers from office (331.756(16)).